

REMARKS/ARGUMENTS

In the Official Action, the claims 11-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over GRAZIANO et al. (U.S. Patent Application Publication No. 2002/0111698 A1) in view of NISHI (U.S. Patent Application Publication No. 2002/0055977 A1), CLOUGH et al. (U.S. Patent No. 6,889,264 B2), and KIM et al. (U.S. Patent Application Publication No. 2004/0006647 A1).

Upon entry of the present amendment, each of independent claims 11 and 15 have been amended. Claims 1-10 were previously cancelled. Thus, claims 11-20 are currently pending for consideration by the Examiner.

Claims 11-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over GRAZIANO in view of NISHI, CLOUGH, and KIM. Applicants respectfully submit that the specific combination of features recited in claims 11-20 would not have been obvious to one of ordinary skill in the art at the time of the invention, in view of GRAZIANO, NISHI, CLOUGH, and KIM. Accordingly, Applicants respectfully traverse this rejection for at least several reasons.

With regard to independent claims 11 and 15, the Official Action asserts that GRAZIANO discloses several of the features of claims 11 and 15, primarily citing GRAZIANO's Figures 1 and 6, and the corresponding descriptions. The Official Action acknowledges that GRAZIANO fails to disclose a remote controller that acquires and stores a currently changeable address of the remotely-controlled device at constant time intervals, and the first communication interface operable to transmit the status notification request through the network at constant time intervals. The Official Action also acknowledges that GRAZIANO fails to disclose the "wherein" clause that states that the first communication interface also

receives other status data, spontaneously generated by the remotely-controlled device at sufficiently narrow predetermined timing intervals to reflect real time status changes in the remotely-controlled device.

However, the Official Action asserts that NISHI and CLOUGH disclose these features. The Official Action further acknowledges that the asserted combination of GRAZIANO, NISHI, and CLOUGH fails to disclose that the remote controller associates the current changeable address of the remotely controlled device with a fixed identification number of the remotely-controlled device that is stored in the address memory. Nevertheless, the Official Action asserts that KIM discloses this feature, primarily citing KIM's Figure 1, and the corresponding description, and concludes that independent claims 11 and 15 are obvious.

In reviewing the rejection of independent claims 11 and 15 summarized above, it is readily apparent that the Official Action has impermissibly resorted to hindsight reconstruction in formulating the asserted rejection of claims 11-20. Applicants submit that the Official Action has impermissibly pieced together four distinct references in a piecemeal manner using impermissible hindsight reasoning and Applicants' disclosure as a guide in formulating the rejection.

Each of GRAZIANO, NISHI, CLOUGH, and KIM disclose a separate computerized control system that communicates in a particular manner. Applicants submit that the Official Action has not provided a convincing line of reasoning why one of ordinary skill in the art at the time of the invention would have combined GRAZIANO, NISHI, CLOUGH, and KIM in the very specific and particular manner asserted, particularly given the relatively limitless number of possible combinations that would have presented themselves to one of ordinary skill in the art. This deficiency is particularly evident in that the combination of the four computerized control

systems results in significant operational changes in GRAZIANO's system that would not have been suggested to one of ordinary skill in the art, without the use of Applicants' disclosure as a guidebook. Furthermore, Applicants submit that the obviousness rationale asserted in the Official Action is improper because the rationale goes significantly beyond the knowledge that was within the level of ordinary skill in the art at the time of the invention, and was based on the description of the invention provided in Applicants' disclosure.

Thus, Applicants respectfully submit that without using Applicants' disclosure as a roadmap, one of ordinary skill in the art at the time of the invention would not have pieced the four distinct references together in the very specific manner asserted, given the relatively limitless number of possible configurations that would have been presented to one of ordinary skill in the art at the time of the invention.

Additionally, Applicants respectfully submit that even if the four distinct references are properly combinable, which Applicants' strongly dispute, the asserted combination of GRAZIANO, NISHI, CLOUGH, and KIM fails to disclose or render obvious the specific combination of features recited in independent claims 11 and 15. The deficiency in the rejection is readily apparent, for instance, by referring to the feature in independent claims 11, and similarly in independent claim 15, which explicitly recites *wherein the first communication interface also receives other status data, spontaneously generated by the remotely-controlled device at sufficiently narrow predetermined timing intervals to reflect real time status changes in the remotely-controlled device* (emphasis added).

On page 5, lines 2-6, the Official Action clearly states that GRAZIANO fails to disclose this particular feature of independent claims 11 and 15. Additionally, it is noted that the Official Action does not explicitly address this particular feature further. It is noted, however, that in the

“Response to Arguments” section, the Official Action states in paragraph 5, bridging pages 12-13, that Applicants’ previous arguments regarding this particular feature are moot due to the inclusion of CLOUGH in the rejection. Upon a review of the cited sections of CLOUGH, i.e., column 4, lines 4-14, however, there is no mention of sufficiently narrow predetermined timing intervals to reflect real time status changes. Thus, Applicants respectfully submit that the Official Action has failed to establish a *prima facie* case of obviousness since the Official Action has not addressed all of the explicitly recited features of independent claims 11 and 15.

Additionally, Applicants respectfully submit that CLOUGH teaches away from the explicitly recited features in independent claims 11 and 15. More specifically, independent claims 11 and 15 recite that the remote controller receives from the remotely-controlled device both status information transmitted in response to status requests sent at constant time intervals and other status data spontaneously generated at sufficiently narrow predetermined timing intervals to reflect real time status changes in the remotely-controlled device. In contrast, the above-cited sections of CLOUGH teach that the status information may be sent in response to periodic requests, or alternatively, without the need to receive a request. Thus, CLOUGH teaches away from the features recited in claims 11 and 15 since CLOUGH teaches that such status signals are to be sent in only one of the two different ways.

Nevertheless, in order to expedite the prosecution of the present patent application to allowance, each of independent claims 11 and 15 have been amended to explicitly recite *wherein the terminal is operable to adjust the constant intervals that the remote controller transmits the status notification requests to the remotely controlled device* (emphasis added). Applicants respectfully submit that neither GRAZIANO, NISHI, CLOUGH, KIM, nor the combination

thereof, disclose or render obvious the specific combination of features recited in amended independent claims 11 and 15, including the above-cited feature.

Thus, Applicants respectfully submit that the specific combination of features recited in amended independent claims 11 and 15 would not have been obvious to one of ordinary skill in the art at the time of the invention, in view of GRAZIANO, NISHI, CLOUGH, and KIM. Additionally, Applicants submit that claims 12-14 and 19, which depend from amended independent claim 11, and claims 16-18 and 20, which depend from amended independent claim 15, are also patentable for at least the reasons discussed above, and further for the additional features recited therein.

Accordingly, Applicants respectfully request that the rejection of claims 11-20 under 35 U.S.C. § 103(a) as being unpatentable over GRAZIANO in view of NISHI, CLOUGH, and KIM be withdrawn. Applicants also respectfully request that an indication of the allowability of claims 11-20 be provided in the next Official communication.

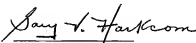
SUMMARY

From the amendments, arguments, and remarks provided above, Applicants submit that all of the pending claims in the present amendment are patentable over the references cited by the Examiner, either alone or in any proper combination. Accordingly, reconsideration of the outstanding Official Action is respectfully requested, and an indication of the allowance of claims 11-20 is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Koji HIROSE et al.


for Bruce H. Bernstein
Reg. No. 29,027

April 19, 2010
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Gary V. Harkcom
Reg. No. 62,956